

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:03CR101 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | AMENDED ORDER |
| |) | |
| SOLOMON L. COFFEY, |) | |
| |) | |
| Defendant. |) | |

This matter is before the Court on its own motion.

The Defendant, Solomon L. Coffey, filed a motion to vacate, etc., under 28 U.S.C. § 2255. (Filing No. 165.)¹ After initial review, the Court ordered the government to answer one claim and set a briefing schedule. The remaining claims were summarily dismissed. (Filing No. 168.) The Defendant then filed a notice of appeal of the denial of his motion for new trial. (Filing No. 170.) The Eighth Circuit set a briefing schedule in the matter on appeal. (Filing No. 181.) Therefore, in light of the pending appeal this Court is without jurisdiction to further consider the § 2255 motion. The § 2255 motion will be stayed pending the disposition of the simultaneously filed appeal.

IT IS ORDERED:

1. The Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 165) is stayed pending disposition of the appeal;
2. The briefing schedule (Filing No. 168) is suspended until further order of the Court;

¹This Amended Order references Filing No. 165 rather than Filing No. 160, which was denied as moot.

3. The Defendant's motion for an extension of time to file a brief (Filing No. 179) is denied as moot; and

4. The Clerk is directed to mail a copy of this memorandum and order to the Defendant at his last known address.

DATED this 11th day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge